

Remarks

In view of the following discussion, the applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U. S. C. § 102. Furthermore, the applicants believe that all of the claims satisfy the requirements of 35 U. S. C. § 112. Thus, the applicants believe that all of these claims are in allowable form.

OBJECTIONS

A. Claim 7

The Examiner objects to claim 7 because the phrase "given the presence of two information layers" is redundant. The Applicants have amended claim 7 to delete the phrase "given the presence of two information layers" therefrom. In view of applicant's amendment to claim 7, the basis for the Examiner's objection thereto has been removed. As such, it is respectfully requested that this objection be withdrawn.

REJECTIONS

A. 35 U. S. C. § 112

1. Claim 7

Claim 7 stands rejected under 35 U. S. C. § 112, second paragraph as being indefinite. In particular, the Examiner indicates that it is not clear if the "transmission factor" refers to each "information layer" or "both information layers". The applicants have amended claim 7 to clarify that the "transmission

factor" refers to each "information layer". Support for this amendment is found in the specification at page 4, lines 13-18.

In view of the amendment to claim 7, the basis for the Examiner's rejection of claim 7 pursuant to 35 U. S. C. § 112, second paragraph has been removed. As such, it is respectfully requested that this rejection be withdrawn.

2. Claims 5 and 7

Claims 5 and 7 stand rejected under 35 U. S. C. § 112, first paragraph. In particular, the Examiner indicates that it is not readily apparent what criteria would meet the specified "transmission factor" without performing undue experimentation. Referring to claims 5 and 7, the specification details that thermo-optical methods may be used for writing to the information carrier layers (see, specification at page 4, lines 15-16). Such thermo-optical methods may assume carrier layer transmission of less than 10 % (see, specification at page 4, lines 17-18).

Since the specification details the use of thermo-optical methods for writing to the information carrier layers, the basis for the Examiner's rejection of claims 5 and 7 pursuant to 35 U. S. C. § 112, first paragraph has been removed. As such, it is respectfully requested that this rejection be withdrawn.

B. 35 U. S. C. § 102

1. Claims 1-2 and 6-9 are not anticipated by Kobayashi et al.

Claims 1-2 and 6-9 stand rejected under 35 U. S. C. § 102(b) as being anticipated by Kobayashi et al. (U. S. Patent 5,703,868 issued December 30 , 1997). The applicants submit that these claims are not anticipated by this reference.

Claim 1 is directed to an optical recording medium 1 (*see*, FIG. 1 and the specification at page 9, lines 8-9). The optical recording medium 1 includes at least two information carrier layers 2, 3, a separating layer 8 and transparent covering layers 4,5 (*see*, FIG. 1 and the specification at page 9, lines 9-15). The separating layer 8 is arranged between the at least two information carrier layers 2, 3 (*see*, FIG. 1 and the specification at page 9, lines 12-15). The transparent covering layers 4, 5 are arranged between each information carrier layer 2, 3 and a surface of the recording medium 1 (*see*, FIG. 1 and the specification at page 9, lines 10-12). Each information carrier layer 2, 3 is semi-transparent (*see*, specification at page 10, lines 34-37).

Kobayashi et al. describes an optical information recording medium (*see*, Kobayashi et al. at column 1, lines 8-10). The optical information recording medium includes a first substrate 1 having a first information recording face 2 upon which information is recorded (*see*, Kobayashi et al. at FIG. 1 and column 4, lines 54-56). The first information recording face 2 is covered by a first reflecting layer 3 and the first reflecting layer 3 is covered by a first protective layer 4 (*see*, Kobayashi et al. at FIG. 1 and column 4, lines 59-62). A second substrate 5 having a second information recording face 6 that is covered by a second reflecting layer 7 and a second protective layer 8 is laminated to the first substrate 1 with an adhesive layer 9 (*see*, Kobayashi et al. at FIG. 1 and column 4, line 65 to column 5, line 26). The first and second reflecting layers 3, 7 may be designed to have different reflection spectra using for example aluminum (Al) for the first reflecting layer 3 and gold (Au) for the second reflecting layer 7 (*see*, Kobayashi et al. at column 5, line 60 to column 6, line 9).

Kobayashi et al. does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers**. Rather, Kobayashi et al. teaches a completely different arrangement wherein first and second recording faces of first and second substrates are covered with first and second reflecting layers that are designed to have different reflection

spectra. Since Kobayashi et al. does not teach use of an optical recording medium including at least two semi-transparent information carrier layers, claim 1 is patentable over Kobayashi et al.

Claim 2 depends from claim 1 and recites a limitation that each information carrier layer can be read from both sides but can be written to from only one side (*see*, specification at page 3, lines 10-32). Applicants respectfully traverse this rejection.

Kobayashi et al. does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers** that can be read from both sides but can be written to from only one side. Rather, Kobayashi et al. teaches a completely different arrangement wherein first and second recording faces of first and second substrates are covered with first and second reflecting layers that are designed to have different reflection spectra. Since Kobayashi et al. does not teach use of an optical recording medium including at least two semi-transparent information carrier layers that can be read from both sides but can be written to from only one side, claim 2 is patentable over Kobayashi et al.

Claim 6 depends from claim 1 and recites a limitation that the separating layer has at least one further information carrier layer (*see*, specification at page 4, lines 3-12). Applicants respectfully traverse this rejection.

Kobayashi et al. does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers** separated by a separating layer where the separating layer has at least one further information carrier layer. Rather, Kobayashi et al. teaches a completely different arrangement wherein first and second recording faces of first and second substrates are covered with first and second reflecting layers that are designed to have different reflection spectra. Since Kobayashi et al. does not teach use of an optical recording medium including at least two semi-transparent information carrier layers separated by a separating layer where the separating

layer has at least one further information carrier layer, claim 6 is patentable over Kobayashi et al.

Claim 7 is directed to an optical recording medium 1 (see, FIG. 1 and the specification at page 9, lines 8-9). The optical recording medium 1 includes two information carrier layers 2, 3, a separating layer 8 and transparent covering layers 4,5 (see, FIG. 1 and the specification at page 9, lines 9-15). The separating layer 8 is arranged between the at least two information carrier layers 2, 3 (see, FIG. 1 and the specification at page 9, lines 12-15). The transparent covering layers 4, 5 are arranged between each information carrier layer 2, 3 and a surface of the recording medium 1 (see, FIG. 1 and the specification at page 9, lines 10-12). Each information carrier layer 2, 3 is semi-transparent (see, specification at page 10, lines 34-37). The transmission factor of each information carrier layer is less than 10 % (see, specification at page 4, lines 12-18).

Kobayashi et al. does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers** where the transmission factor of each information carrier layer is less than 10 %. Rather, Kobayashi et al. teaches a completely different arrangement wherein first and second recording faces of first and second substrates are covered with first and second reflecting layers that are designed to have different reflection spectra. Since Kobayashi et al. does not teach use of an optical recording medium including at two semi-transparent information carrier layers where the transmission factor of each information carrier layer is less than 10 %, claim 7 is patentable over Kobayashi et al.

Claim 8 depends from claim 1 and recites a limitation that the information carrier layers are write-once layers (see, specification at page 4, lines 19-27). Applicants respectfully traverse this rejection.

Kobayashi et al. does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers** that are write-once layers. Rather, Kobayashi et al. teaches a completely different

arrangement wherein first and second recording faces of first and second substrates are covered with first and second reflecting layers designed to have different reflection spectra. Since Kobayashi et al. does not teach use of an optical recording medium including at least two semi-transparent information carrier layers that are write-once layers, claim 8 is patentable over Kobayashi et al.

Claim 9 depends from claim 1 and recites a limitation that the writable information carrier layers have preformatted tracks the rotational sense of each track viewed from the same side is unidirectional and opposed (*see*, specification at page 4, line 28 to page 5, line 21). Applicants respectfully traverse this rejection.

Kobayashi et al. does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers** that have preformatted tracks the rotational sense of each track viewed from the same side is unidirectional and opposed. Rather, Kobayashi et al. teaches a completely different arrangement wherein first and second recording faces of first and second substrates are covered with first and second reflecting layers designed to have different reflection spectra. Since Kobayashi et al. does not teach use of an optical recording medium including at least two semi-transparent information carrier layers that have preformatted tracks the rotational sense of each track viewed from the same side is unidirectional and opposed, claim 9 is patentable over Kobayashi et al.

CONCLUSION

Thus, the applicants submit that none of the claims, presently in the application are anticipated under the provisions of 35 U. S. C. § 102. Furthermore, the applicants believe that all of these claims now satisfy the requirements of 35 U. S. C. § 112. Consequently, the applicants believe that all of the claims are presently in condition for allowance. Accordingly, both

reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Ms. Patricia A. Verlangieri at (609) 734-6867, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patricia A. Verlangieri", written over a horizontal line.

Patricia A. Verlangieri
Reg. No. 42,201
(609) 734-6867

Patent Operations
Thomson Inc.
P. O. Box 5312
Princeton, New Jersey 08543-5312

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